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13 Attorneys for Plaintiff

14 **UNITED STATES DISTRICT COURT**
15 **DISTRICT OF NEVADA**

16 TRAVELERS CASUALTY AND SURETY
17 COMPANY OF AMERICA, a Connecticut
18 corporation,

19 Plaintiff,

20 vs.

21 WILLIAMS BROTHER, INC., a Nevada
corporation; PEEK CONSTRUCTION
COMPANY, a Nevada corporation;
22 MICHAEL WILLIAMS, an individual;
JOSIE WILLIAMS, an individual;
ASHLEY WILLIAMS, an individual;
23 MARIA WILLIAMS, an individual;
MARK GUBLER, an individual; DAWNA
24 GUBLER, an individual; DARIN
GUBLER, an individual; and KAREN
25 GUBLER, an individual; BRENDA
COMPTON PEEK, an individual;
26 MICHAEL L. PEEK, an individual; ECCL
HOLDINGS, LLC, a Nevada limited
27 liability company; BLC NEVADA TRUST
DATED APRIL 20, 2006, a Nevada Trust,

28 Defendants.

Case No.: 2:12-CV-00058-LDG -NJK

**DEFAULT JUDGMENT AGAINST
DEFENDANTS PEEK
CONSTRUCTION COMPANY,
ECCL HOLDINGS, LLC, AND BLC
NEVADA TRUST**

1 WILLIAMS BROTHER, INC., a Nevada
2 corporation; PEEK CONSTRUCTION
COMPANY, a Nevada corporation,

3 Counterclaimants,

4 vs.

5 TRAVELERS CASUALTY AND SURETY
6 COMPANY OF AMERICA, a Connecticut
corporation,

7 Counterdefendant.

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9 The Court previously entered a default judgment against Defendants Peek
10 Construction Company, ECCL Holdings, LLC and BLC Nevada Trust ("Defendants") for
11 their failure to retain counsel as ordered by the Magistrate Judge (Doc. 232, 06/18/13). This
12 judgment was set aside upon Defendants' motion filed when represented by new counsel.
13 (Doc. 270) Subsequently, Defendants second set of counsel was granted leave to withdraw.
14 (Doc. 378) Defendants were directed to notify the Court of representation by April 7, 2014.
15 Defendants failed to retain counsel. On April 10, 2014 (Doc. 384) this Court entered an
16 order that would permit the entity Defendants to proceed without counsel if two
17 enumerated conditions were met, and if the conditions were not met, "the court will
18 proceed without representation of the subject corporations, and consider possible default or
19 sanctions." Defendants have failed to comply with the conditions of this Court's April 10
20 order in the ensuing five months. The Court issued its Order to Show Cause to Defendants
21 (Doc. 424) directing them to appear on October 1, 2014 and show cause why a default
22 judgment should not be entered against them. At the October 1, 2014 return hearing,
23 Defendants failed to appear through counsel, or to comply with this Court's April 10, 2014
24 order, and failed to show cause why a default judgment should not be entered against
25 them. Therefore, and the Court having reviewed the Declaration of Steven W. Pand filed
26 on October 2, 2014 and Section 3 of the General Agreements of Indemnity (Dkt. 1, exh. A
27 and B) which state that such a declaration is *prima facie* evidence of the amount and
28 existence of Defendants' liability, and good cause appearing, and there being no just reason

1 for delay,

2 The Court hereby directs entry of judgment in favor of Plaintiff Travelers Casualty
3 and Surety Company of America and against Defendants Peek Construction Company,
4 ECCL Holdings, LLC and BLC Nevada Trust in the amount of \$16,175,398.93.

5 IT IS FURTHER ORDERED that Plaintiff shall be entitled to its taxable costs
6 pursuant to Rule 54(d), Fed.R.Civ.P.

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8 DATED: 10 Oct 2014

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12 The Honorable Lloyd D. George
13 United States District Court Judge
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